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TRUDI G. MANFREDO, Bar No. 166474
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In the Matter of)	Case No. 13-17607-A-7
)	
)	Chapter 7
FRANCISCO JAVIER LOPEZ)	
and VERONICA LOPEZ,)	TMT-1
)	
)	Date: April 2, 2014
Debtor(s) .)	Time: 9:00 a.m.
)	Dept: A, Courtroom 11, Fresno
)	Honorable Fredrick E. Clement

MOTION TO SELL PERSONAL PROPERTY

Trudi G. Manfredo, Chapter 7 Trustee of the above-referenced bankruptcy estate ("Trustee") of FRANCISCO JAVIER LOPEZ and VERONICA LOPEZ ("Debtors"), brings this Motion to Sell Personal Property and respectfully represents as follows:

1. Trustee is the duly appointed, qualified and acting Trustee of the above-referenced bankruptcy estate.

2. Debtors filed under Chapter 7 of the Bankruptcy Code on November 27, 2013, and an order for relief was entered.

3. This Court has jurisdiction over this proceeding under 28 U.S.C. §1334(a). This is a core proceeding under 28 U.S.C. §157(b)(2)(A). This motion is brought pursuant to 11 U.S.C. §363.

1 Venue is proper in this Court pursuant to 28 U.S.C. § 1409(a) by
2 virtue of the pendency of this case before the Court.

3 4. Among the assets of this bankruptcy estate are a Winchester
4 357 magnum Lever action rifle valued at \$500.00, a Winchester 12
5 gauge shotgun valued at \$375.00 and a Marlin semi auto rifle .22
6 valued at \$150.00 ("Personal Property"). These items are free and
7 clear of any liens and encumbrances.

8 5. Trustee has received and accepted an offer, subject to
9 higher and better bid at the hearing, from the Debtors to purchase
10 the bankruptcy estate's interest in the Personal Property for a net
11 to the bankruptcy estate of \$870.00.

12 6. Trustee believes that this is a fair and equitable price
13 for the Personal Property. Trustee believes the combined value of
14 all of the personal property is \$1,025.00. If the Trustee were able
15 to auction the Personal Property at that value, after paying 15%
16 commission of \$153.75, approximately \$871.25 would be generated to
17 the bankruptcy estate.

18 7. The price to be received at auction is never certain and
19 the delay involved in auctioning these assets is not warranted.

20 8. Based on her business judgment, Trustee believes that an
21 immediate sale of the Personal Property to the debtors is in the best
22 interest of the creditors of this estate and all parties in interest.

23 9. There will be no adverse tax consequences to the estate as
24 a result of the sale.

25 10. This sale is subject to higher and better bid at the
26 hearing noted above.

27 11. Any prospective bidder must bring certified funds to the
28 hearing in the amount of the sale price listed above for the

1 particular item they want to bid on. The certified check must be
2 made out to Trudi G. Manfredo, Chapter 7 Trustee, and is non-
3 refundable if that bidder is the successful bidder and fails to
4 perform. Bids will be in \$50.00 increments. Prospective bidders
5 must also bring documentary evidence of the ability to pay the amount
6 of their bid.

7 12. Trustee requests that the provisions of Bankruptcy Rule
8 6004(h) be waived.

9 WHEREFORE, Trustee prays

10 1. That the Motion be granted;

11 2. That the Court issue an order authorizing the sale of the
12 Bankruptcy Estate's interest in the following personal property back
13 to the Debtors: the Winchester 357 magnum Lever action riffle for a
14 net to the estate of \$425.00, the Winchester 12 gauge shotgun for a
15 net to the estate of \$318.00 and the Marlin semi auto riffle .22 for
16 a net to the estate of \$127.00;

17 3. That the provisions of Bankruptcy Rule 6004(h) be waived;
18 and

19 4. For such other and further relief as the Court deems just
20 and proper.

21 DATED: 2-19-14

22 By /s/ Trudi G. Manfredo
23 TRUDI G. MANFREDO,
24 Chapter 7 Trustee
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